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April 11, 2019

BY ECF

Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Ullo v. RFR Holding L.L.C. et al.*, No. 18 Civ. 11281 (PAE) (HPB)

Dear Judge Engelmayer:

This firm represents the defendants in the above-referenced matter. I write in response to Plaintiff's April 9, 2019 letter requesting this Court order the parties to mediation, specifically through the Court's Pilot Program. As we indicated in our letter to the Court over the weekend, the defendants would be happy to participate in an early settlement conference before Your Honor or a Magistrate Judge, but do not believe that mediation before a Pilot Program mediator would be productive. Although defendants have the deepest respect for those mediators, given the prior negotiating history between the parties, we believe that settlement discussions would only be productive if supervised by a judge. Of course, defendants' willingness to engage in settlement discussions is by no means a concession that Plaintiff's claims have merit – they do not – as much as it is a bow to the economic realities of litigation.

Thank you for your consideration of this request.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz